

JIM WALSH

State of
Washington
House of
Representatives



BUSINESS AND FINANCIAL
SERVICE
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LOCAL GOVERNMENT

October 30, 2017
Board of Natural Resources
Department of Natural Resources
MS 47000
Olympia, WA 98540-7000

Dear Board Members,

We understand the Board of Natural Resources intends to select a preferred approach for the Marbled Murrelet Long-Term Conservation Strategy at its November meeting. This decision will have a significant impact on the local economies, counties and beneficiaries in our districts — which rely on the productive management of state trust lands and county lands managed by the state. The Department of Natural Resources (DNR) has a paramount duty to manage these lands consistent with its trust mandates—for the benefit of counties, schools and other taxing districts.

The Legislature has a strong interest in assuring that DNR honors its trust mandates and helps meet the needs of Washington's rural communities.

The recent Long-Term Conservation Strategy Draft Environmental Impact Statement (EIS) contained five alternatives, which included an approach believed to comply with DNR's 1997 Habitat Conservation Plan (called "Alternative B" in the EIS), while creating the fewest additional negative impacts on the beneficiaries. Other alternatives described in the EIS would create more and/or worse negative affects — and potentially violate DNR's paramount duty.

We are concerned that the Board has not received clear guidance on the foundational question confronting accommodation of the marbled murrelet's status under the federal Endangered Species Act (ESA): specifically, how to select an approach that meets, but does not exceed, the minimum legal threshold obligation under DNR's 1997 Habitat Conservation Plan (HCP). At your October meeting, DNR staff attempted to address the question about what it called "baseline" for ESA compliance through the HCP and presented various "requirements" — some of which exceed the specific obligations found in the 1997 HCP.

Selecting an approach that exceeds the minimum legal threshold will come at a direct cost to state trust beneficiaries and may expose the state to significant legal risk.

School districts, county governments and other trust beneficiaries continue to struggle due to reduced timber harvests and revenues from encumbered trust lands. We believe adoption of a Marbled Murrelet Long-Term Conservation Strategy that unnecessarily encumbers additional acreage will come at grievous cost to Washington's rural communities.

We urge you to honor your trust mandates and ensure that any preferred approach is consistent with the threshold that was agreed to in the 1997 HCP. In the present context, we believe this means the Board should choose DNR staff's "Alternative B."

Sincerely,

Representative Jim Walsh LD 19

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19th LEGISLATIVE DISTRICT

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